

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

<b>IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION</b>	)	<b>MDL No. 1456</b> <b>Master File No. 01-12257-PBS</b>
	)	<b>Judge Patti B. Saris</b>
<b>THIS DOCUMENT RELATES TO:</b>	)	<b>(Matter to be taken under submission by the Court)</b>
<b>State of California, <i>ex rel.</i> Ven-A-Care v.</b>	)	
<b>Abbott Laboratories, <i>et al.</i></b>	)	
<b>Case Nos. 01-cv-12257 and 1:03-cv-11226-PBS</b>	)	<b>FILED UNDER SEAL</b>
	)	

**[PROPOSED] ORDER GRANTING A PARTIAL LIFTING OF THE SEAL**

For good cause and having considered the Ex Parte Application of the State of California to partially lift the seal,

IT IS HEREBY ORDERED that the seal on the Relator Ven-A-Care of the Florida Keys, Inc.'s First Amended Complaint in this case shall be partially lifted to allow the State of California, at its discretion, to disclose to Defendants APOTHECON, INC. and BRISTOL-MYERS SQUIBB COMPANY a/k/a BRISTOL-MYERS ONCOLOGY DIVISION/HIV PRODUCTS the allegations contained in Relator's First Amended Complaint by providing them a redacted copy of Relator's First Amended Complaint.

IT IS FURTHER ORDERED that receipt by APOTHECON, INC. and BRISTOL-MYERS SQUIBB COMPANY a/k/a BRISTOL-MYERS ONCOLOGY DIVISION/HIV PRODUCTS of a redacted copy of the First Amended Complaint as a result of this Order shall not be construed to constitute service of the First Amended Complaint under the Federal Rules of Civil Procedure (FRCP), and that Plaintiffs will continue to be responsible for service of any

complaints pursuant to the FRCP.

Except as modified by this Order, Relator's First Amended Complaint remains under seal until further order of this Court. The requirements of the seal apply equally to APOTHECON, INC. and BRISTOL-MYERS SQUIBB COMPANY a/k/a BRISTOL-MYERS ONCOLOGY DIVISION/HIV PRODUCTS once informed of Relator's First Amended Complaint and/or the allegations contained therein.

DATED:

3/17/07

  
Honorable Patti B. Saris  
United States District Court Judge